

REMARKS

Applicants have carefully reviewed the Office Action dated March 23, 2004. Claims 1-14, and 16-19 are pending in this application. Applicants have amended Claims 1, 5, 6, 10, and 11 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-2, 4-7, 9-14, and 16-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of *Portuesi*, *Sherman*, and *Hudetz et al.*, and further in view of what would have been obvious to one of ordinary skill in the art, at the time the invention was made. This rejection is respectfully traversed with respect to the amended claims.

As set forth in the amended claims and the previous Response, Applicants' present inventive concept is set forth as having an embedded unique perceivable code stored within the audio/video bandwidth of a digital video disk. This is such that, when the disk is distributed, the distributor of the disk can ensure that there will be a unique code that can be utilized to link a user's computer to a particular location on a network. Thus, by placing a unique perceivable code within the audio/video bandwidth of the disk, it can be ensured that it will be extracted therefrom during the normal play of the system. There is not another separate infrastructure that is required in order to extract this code from within the digital video disk upon playback. Normal playback that provides an output in the normal video/audio bandwidth is all that is required. To require more would require a special system, i.e., a system that utilizes the vertical blanking interval (VBI) for embedding code within a broadcast or transmission, for example.

As noted before, the *Portuesi* reference is a reference wherein the URL is not embedded within the normal audio/video bandwidth of the playback track. There must be some other track that associates this information with the actual program. Applicants' present inventive concept, as defined by the amended claims, is directed toward a system wherein this is embedded such that playing back of the system will, without any user intervention, provide either a display of the information or the operable

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audio tone. Although this can be distracting to the user, the user cannot remove this. In the *Portuesi* reference, the user must first have a system that will decode or extract this information such that it can be displayed once extracted and second, must do some type of selection. There is no selection and there is no need for a separate system to extract and display in Application's system; rather, it is automatically displayed or output just by the act of playing back the video. The Examiner notes on page 4 of the Office Action that *Portuesi* discloses encoding of URL information in digital multi-media. However, this is not embedded within the audio/video bandwidth of the digital video signal. This describes VBI encoding which is not within the audio/video bandwidth of the playback system. One must first decode and then "convert." Applicants contend that there is no motivation to do other than what is disclosed in the application. The Examiner considers that the application is "open-ended" and that this by itself would have motivated one of ordinary skilled in the art. The Examiner notes that *Sherman* is one example of embedding audio. However, this audio is not perceivable as it "outside" the normal audio/video bandwidth of a receiving system. As such, this again requires special equipment to receive the information. By disclosing the code within the audio/video bandwidth of the playback system, the user cannot prevent such reproduction from occurring. As such, Applicants believe that *Sherman* does not cure the deficiency with respect to *Portuesi*. Applicants believe that neither *Sherman* nor *Portuesi*, taken singularly or in combination, do not show that a digital video disk can be distributed for the purpose of controlling a computer wherein playback of the digital video track will result in a unique perceivable code being output within the audio/video bandwidth of the playback device playing the media. The *Hudetz* device, as noted in the prior response, does not cure this deficiency in that it does not involve this aspect of the claims. As such, Applicants believe that in view of these references, there is only a single issue and that is the embedding of information into the audio/video playback of the digital video disk for this step of controlling a computer. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 1-2, 4-7, 9-14 and 16-19.

Claims 1-2, 4-7, 9-14, and 16-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Solvason* in view of *Hudetz* and further in view of what would have been obvious to one of ordinary skill in the art at the time the invention was made. This rejection is respectfully traversed with respect to the amended claims.

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The *Solvason* reference is a reference that is operable to transmit an audio tone that has embedded therein information. This is in the perceived audible range of human hearing. This is transmitted on a broadcast and picked up by separate computer that then does a look up for this information in a database for an associated URL and then provides a connection to a web location on the network. The *Hudetz* reference is a reference that requires a user to scan information into the computer from a machine recognizable code such as a barcode which is associated with a manufacture's product, i.e., the barcode itself has no relationship to the location. The purpose of the barcode is not to connect to a network, whereas the *Solvason* code has the express purpose of connecting to a network. What the combination of *Solvason* and *Hudetz* lack is that they are not related to the distribution of a digital video disk wherein information is output during a normal playback of the digital video disk. Further, *Solvason* transmits a code, the express purpose of which is to link to a location on the network, but this relational database or link is defined at a local database. The *Hudetz* reference is directed toward utilizing a non-specific code that has no relationship to anything on the network for its express purpose but is related thereto in a relational database stored remote from a user's computer. Further, the user must take some action in *Hudetz* to link to the net and in *Solvason*, the user must turn on their computer, place their computer in proximity to the system. As such, Applicants believe that the combination of *Solvason* and *Hudetz* does not obviate Applicants' present inventive concept, as defined by the amended claims. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 1-2, 4-7, 9-14 and 16-19.

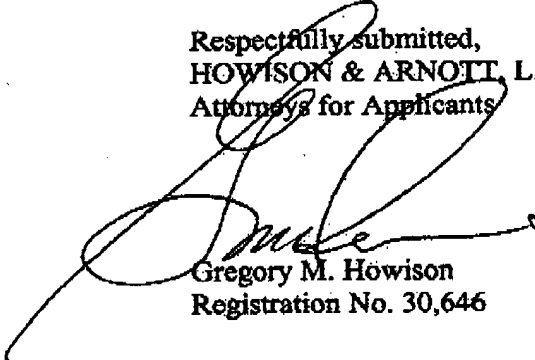
Applicants note with appreciation the Examiner's indication that Claims 3 and 8 would be allowable if rewritten in independent form. Applicants believe that this is not necessary at the present time.

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Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,706 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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June 22, 2004

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